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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
08/781,296	01/13/1997	JOHN B. HARLEY	OMRF161	8073		
32425	7590	03/24/2009	EXAMINER			
FULBRIGHT & JAWORSKI L.L.P. 600 CONGRESS AVE. SUITE 2400 AUSTIN, TX 78701				CLOW, LORI A		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN B. HARLEY
and
JUDITH A. JAMES

Application 08/781,296
Technology Center 1600

Mailed: March 24, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal.*

BENNETT, *Review Team Paralegal.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on September 29, 2008. A review of the Image File Wrapper (IFW) revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on March 1, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) (2006) and the *Manual of Patent Examining Procedure (MPEP)* § 1208, part II (Eighth Edition, Rev. 5, August 2006).

CONCLUSION

Accordingly, it is **ORDERED** that the application be returned to the Examiner:

- 1) to consider the Reply Brief filed March 1, 2007; and
- 2) for such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

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